

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)
v.)
PATRICK DANE FALTE)
No. 3:17-cr-00184)
Chief Judge Crenshaw)
00044

PETITION TO ENTER A PLEA OF GUILTY

I, Patrick Dane Falte, respectfully represent to the Court as follows:

(1) My true full name is Patrick Dane Falte. I was born in 1989. I completed 16 years of formal education.

(2) My lawyer is Kathleen G. Morris.

(3) I have received a copy of the Indictment before being called upon to plead and have read and discussed it with my lawyer, and I believe that I understand every accusation made against me in the indictment.

(4) I have had sufficient opportunity to discuss with my lawyer the facts and surrounding circumstances concerning the matters mentioned in the indictment. My lawyer has counseled and advised me as to the nature and cause of every accusation against me. We have thoroughly discussed the government's case against me and my potential defenses to the government's case. My lawyer has explained each element of the crime charged to me and what the government would offer to prove these elements beyond a reasonable doubt.

(5) I understand that the statutory penalties for the offenses to which I am pleading guilty are:

Count One: engaging in a child exploitation enterprise, in violation of 18 U.S.C. § 2252A(g): a minimum of 20 years imprisonment, up to life imprisonment; a fine of up to \$250,000, a period of supervised release of up to 5 years; a mandatory special assessment of \$100.00 and, unless I am indigent, a special assessment of \$5000.00.

Count Two: conspiracy to advertise child pornography, in violation of 18 U.S.C. § 2251(d)(1)(A), (d)(2)(b), and (e): a minimum of 15 years imprisonment, up to 30 years imprisonment; a fine of up to \$250,000; a period of supervised release of up to 5 years; a mandatory special assessment of \$100.00; and, unless I am indigent, a special assessment of \$5000.00.

Count Three: conspiracy to distribute child pornography, in violation of 18 U.S.C.

§ 2252(a)(2) and (b)(1): a minimum of 5 years imprisonment, up to 20 years imprisonment; a fine of up to \$250,000, a period of supervised release of up to 5 years, a mandatory a special assessment of \$100.00; and, unless I am indigent, a special assessment of \$5000.00

Counts Four-Six: advertising child pornography, in violation of 18 U.S.C. § 2251(d)(1)(a), (d)(2)(b), and (e): a minimum of 15 years imprisonment, up to 30 years imprisonment; a fine of up to \$250,000; a period of supervised release of up to 5 years; a mandatory special assessment of \$100.00; and, unless I am indigent, a special assessment of \$5000.00

Counts Seven - Nine: distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1): a minimum of 5 years imprisonment, up to 20 years imprisonment; a fine of up to \$250,000, a period of supervised release of up to 5 years, a mandatory special assessment of \$100.00; and, if unless I am indigent, a special assessment of \$5000.00.

(6) I have been advised that I will be sentenced to a sentence sufficient but not greater than necessary to satisfy the goals of sentencing specified in 18 U.S.C. § 3553(a). One consideration will be Guidelines established by the United States Sentencing Commission. I understand that these Guidelines are advisory, but that the Court must take account of the Guidelines together with other sentencing goals. My lawyer and I have discussed the calculation of the Guidelines in my case, including enhancements the government may seek and reductions we may seek. I further understand that I may be sentenced to a fine to be calculated through the Guidelines. No fine will be imposed if the Judge finds me unable to pay any fine. Considered in this fine may be the amount of financial loss to the victim or gain to me as well as the costs of any confinement or probation supervision. The Court may also order that restitution be made to any victim of the offense. I have a right to a review of my sentence by the United States Court of Appeals for the Sixth Circuit.

(7) I understand that I am not eligible for a sentence of probation if I receive any sentence of imprisonment or am convicted of a Class A or Class B felony punishable by twenty or more years imprisonment. I have been informed that under the present federal sentencing system there is no parole. I will receive only 54 days good time per year and it will not vest until the end of each year. I further understand that if I am sentenced to a period of supervised release and I violate the terms of that supervised release, upon revocation I could be imprisoned again.

(8) I understand that should this plea of guilty be accepted, I will be a convicted felon in the eyes of the law for the rest of my life. This means, under present law that (a) I cannot vote in Tennessee; (b) I cannot possess a firearm anywhere; c) If I am presently on probation, parole, or supervised release whether state or federal, the fact that I have been convicted may be used to revoke my probation, parole or supervised release regardless of what sentence I receive on this case; (d) If I am convicted of any crime in the future, whether state or federal, this conviction may be used to increase any sentence that I receive, including up to life imprisonment; (e) I may have to disclose the fact that I am a convicted felon when applying for employment and such disclosure may result in my not getting some jobs and having difficulty in getting others. If I have been convicted of certain drug offenses, my conviction may result in my losing entitlement to certain federal benefits pursuant to

the Anti-Drug Abuse Act of 1988.

(9) I understand that I can plead "NOT GUILTY" to any or all offenses charged against me, and continue to plead "NOT GUILTY", and that if I choose to plead not guilty, the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right not to testify and no implication of guilt would arise by my failure to do so; c) the right to be presumed innocent until such time, if ever, that the government proves my guilt beyond a reasonable doubt to the satisfaction of a court and jury; (d) the right to see and hear all the witnesses and to cross-examine any witness who may testify against me; (e) the right to use the power and process of the court to compel the production of any evidence, including the attendance of any witnesses, in my favor; and to testify in my own behalf if I choose to do so; (f) the right to have the assistance of counsel in my defense at all stages of the proceedings; (g) if I am convicted at such trial I have the right to appeal with a lawyer to assist me and the appeal will not cost me any money if I am indigent. I understand that if the Court accepts my plea that there will be no jury trial and that I will be convicted of the count(s) to which I plead just as if a jury found me guilty of the charge(s) following a trial, and that the Court may impose sentence upon me as if I had been convicted by a jury.

(10) No officer or agent of any branch of government (federal, state or local), nor any other person, has guaranteed me what sentence I will receive. I understand that no person can bind the Judge to give any particular sentence in my case, and only the Judge can tell me what my sentence will be. I understand that if the Judge decides to make a recommendation about where I should serve any incarceration that the recommendation is not a promise or a guarantee, but only a recommendation and is not binding on the Bureau of Prisons which will make the final decision (after I am sentenced) about where I will be incarcerated.

(11) My lawyer has done all the investigation and research in this case that I have asked her to do and I am satisfied with her representation at this point.

(12) Fully understanding my rights to plead "NOT GUILTY" and fully understanding the consequence of my plea of guilty, I wish to plead "GUILTY" and respectfully request the Court to accept my plea of guilty to the following counts:

Count One: engaging in a child exploitation enterprise, in violation of 18 U.S.C. § 2252A(g);

Count Two: conspiracy to advertise child pornography, in violation of 18 U.S.C. § 2251(d)(1)(a), (d)(2)(b), and (e);

Count Three: conspiracy to distributes child pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1);

Counts Four-Six: advertising child pornography, in violation of 18 U.S.C. § 2251(d)(1)(a), (d)(2)(b), and (e);

Counts Seven - Nine: distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1).

(13) This plea is not the result of a plea agreement with the government.

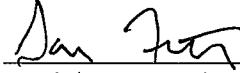
(14) I offer my plea of "GUILTY" freely and voluntarily and of my own accord; also my lawyer has explained to me, and I feel and believe I understand, the statements set forth in the indictment, and in this petition, and in the "Certificate of Counsel" which is attached to this petition.

(15) I am not under the influence of either drugs or alcohol.

(16) I request the Court to enter now my plea of "GUILTY" as set forth in paragraph (12) of this petition, in reliance upon my statements made in this petition.

(17) Recognizing that the Court may reserve acceptance of this plea pending the receipt of the pre-sentence report, I agree that the pre-sentence report may be disclosed to the United States Attorney, my counsel and myself, prior to the sentencing hearing.

Signed by me in open court under the penalties of perjury in the presence of my lawyer, this the 20th day of June, 2018.



Patrick Dane Falte

ACKNOWLEDGMENT OF GOVERNMENT ATTORNEY

The maximum punishment and plea are accurately stated above.



Carrie Daughtrey
Assistant United States Attorney

Byron Jones
Assistant United States Attorney

CERTIFICATE OF COUNSEL

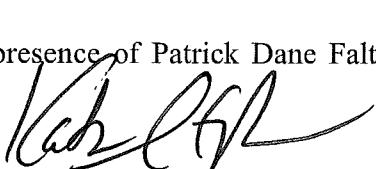
The undersigned, as lawyer and counselor for Patrick Dane Falte, hereby certifies as follows:

(1) I have read and fully explained to Mr. Falte all the accusations against him in this case;

(2) To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;

(3) In my opinion the plea of "GUILTY" as offered by Patrick Dane Falte in paragraph (12) of the foregoing petition, is voluntarily and understandingly made; and I recommend to the Court that the plea of "GUILTY" be accepted and entered as requested in paragraph (12) of the foregoing petition.

Signed by me in open court in the presence of Patrick Dane Falte this 26th day of June, 2018.

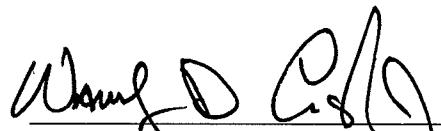


Kathleen G. Morris
Attorney for Patrick Dane Falte

O R D E R

Good cause appearing therefore from the foregoing petition of the foregoing named defendant and the certificate of his counsel and for all proceedings heretofore had in this case, it is ORDERED that the petition be granted and the defendant's plea of "GUILTY" be accepted and entered as prayed in the petition and as recommended in the certificate of counsel.

Done in open court this _____ day of _____, 2018.



Waverly Crenshaw
UNITED STATES DISTRICT JUDGE